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United States of America  
IN THE  
**Supreme Court of the United States**

Case No. [REDACTED]

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R. J. THOMAS,  
Appellant,  
vs.  
H. W. COLLINS,  
Appellee

BRIEF IN OPPOSITION TO MOTION TO  
DISMISS APPEAL FOR WANT  
OF JURISDICTION

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**United States of America  
IN THE  
Supreme Court of the United States**

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**Case No. 569**

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vs.  
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**BRIEF IN OPPOSITION TO MOTION TO  
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In its Statement in Opposition to Jurisdiction the Appellee apparently seeks dismissal of the appeal for want of jurisdiction on the basis of a single argument addressed to the merits. The present brief is submitted for the purpose of correcting a misconception of fact which may be created by the Appellee's statement.

Appellee denies that the contempt order abridges Appellant's right of free speech, and states that the issue involves not Appellant's "right to make a speech" but his solicitation "of a particular individual to join a named union." In the interests of accuracy it should be noted that the restraining order which was the basis of the contempt imprisonment prohibited Appellant from "soliciting members for Local Union 1002 of the O. W. I. U. and from soliciting memberships in any other labor union affiliated with the C. I. O. and members of any other labor union affiliated with the C. I. O. while said defendant is in Texas \*\*\*."

The proofs in the contempt proceeding show that Appellant made a speech in which he pointed to the war-time contribution of labor unions, to the importance of membership in unions particularly as a means of furthering the war effort, and on the basis of his discussion called upon all the workers whom he addressed, including an individual named worker in particular, to join the Oil Workers International Union, C. I. O. Appellee, however, separates those sentences in Appellant's speech which constitute a request to join the union as constituting the language which Appellant was forbidden to utter without a license.

It is not clear whether it is Appellee's contention (a) that those sentences which constituted "solicitation" do not constitute "speech" under the 1st and 14th Amendments, or (b) that because "a particular individual" was named and requested to join "a named union" the protection of the Bill of Rights is not applicable.

To either contention a brief and complete answer is the record in the contempt proceeding which shows that the "solicitation" in this case consisted in essence of oral argument with respect to the objectives of labor organizations and an oral request that the assemblage and the named

individual join in the achievement of that objective. With respect to the second contention, while it is difficult to perceive any significance in the fact emphasized by the Appellee that a specific union was named by the Appellant in his speech, certainly a complete answer lies in the language of the restraining order itself which constituted a clear general restraint upon Appellant's free speech.

Respectfully submitted,

LEE PRESSMAN,  
ERNEST GOODMAN,  
MANDELL & WRIGHT.